

**MINUTES OF THE REGULAR MEETING OF THE  
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA  
OCTOBER 20, 2010**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday October 20, 2010, in the Council Chambers of City Hall located at 610 Main Street, Jasper, Indiana.

**Call to Order.** Presiding Officer Mayor William J. Schmitt called the meeting to order at 7:00 p.m.

**Roll Call.**

Mayor William J. Schmitt	Present
Council members:	
John Schroeder	Present
David Prechtel	Present
Thomas Schmidt	Present
Ambrose 'Butch' Schitter	Present
Kevin Manley	Present
Randall Buchta	Present
Raymond Howard	Present
City Attorney Sandra Hemmerlein	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the council members must be in attendance. All seven council members were in attendance; therefore, there was a quorum for the meeting.

**Approval of the Minutes:**

The following minutes were distributed to and examined by the Council:

1. September 22, 2010 regular Common Council meeting
2. September 23, 2010 memorandum from the joint executive session about the power plant proposals
3. September 22, 2010 6:30 p.m. public hearing to rezone 16.167 acres located at 445 Third Avenue from R-2 residential to R-4 residential
4. September 22, 2010 6:45 p.m. public hearing concerning the proposed budget for the year 2011

A **motion** was made by Council member Ambrose 'Butch' Schitter and seconded by Council member Ray Howard to approve the minutes as published. Motion carried 7-0.

**Dubois County Area Development Corporation Report.** Bob Grewe, President of the Dubois County Area Development Corporation [DCADC], distributed a draft copy of a resolution that would set guidelines for a tax phase-in (abatement) program. Grewe said the guidelines follow the tax abatement program provided under Indiana law and the resolution was drafted by the DCADC members and is a work-in-progress. Specific criteria when considering a tax abatement application is contained in the program.

There was some discussion about this economic development incentive program and about the proposal the Jasper Action Team presented at the September council meeting. Mayor Schmitt said this program is more standard across the State. He said he appreciates the hard work the Jasper Action Team has done. In the near future he, two council members, the clerk-treasurer, financial coordinator, and the city attorney will meet with economic development legal counsel and accounting representatives to review the Jasper Action Team proposal to find out what is doable and practical and then report back to the Jasper Action Team.

**Utility Service Board.** General Manager of Utilities Gerald ‘Bud’ Hauersperger gave a report on the regular monthly meeting held on October 18, 2010. Copies of the minutes are supplied to each council member.

Mayor Schmitt said on October 18, 2010, the Utility Service Board recommended to him that we proceed with the disposal process of the Power Plant property as part of the statutory process required by I.C. 36-1-11. Schmitt said he accepts and approves the Utility Service Board’s recommendation and said we should move forward with the process. He then asked for discussion from the Council. After that Schmitt asked if the Council concurred with his recommendation.

Thereafter, a **motion** was made by Council member John Schroeder and seconded by Council member Ambrose ‘Butch’ Schitter to continue down the path and move forward with the disposal of the power plant as defined by Indiana law. Motion carried 7-0.

Bud Hauersperger said the Utility Service Board wants to hold a joint special meeting with the Council on October 25, 2010 sometime after 5:00 p.m. to discuss the disposal options. The council members agreed to the joint meeting on October 25, 2010 at 5:30 p.m. in the Council Chambers. Council member Kevin Manley said he would not be able to attend.

**Gas Contractor’s License Application.** Mayor Schmitt said the Council needs to consider an application for a gas contractor’s license submitted by James Mitchell with Mitchell’s Plumbing, Inc. Mt. Pleasant, Indiana.

A **motion** was made by Council member Ambrose ‘Butch’ Schitter and seconded by Council member Kevin Manley to approve James Mitchell’s application for a gas contractor’s license. Motion carried 7-0.

**RESOLUTION NO. 2010-6 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF JASPER, INDIANA, AUTHORIZING THE SUBMITTAL OF THE COMMUNITY FOCUS FUND APPLICATION TO THE INDIANA OFFICE OF COMMUNITY AND RURAL AFFAIRS AND ADDRESSING RELATED MATTERS**

This resolution authorizes the Mayor to submit an application to OCRA for \$600,000.00 in grant funding for the Skyline area wastewater improvement project and commit the local matching funds.

A motion was made by Council member Ray Howard and seconded by Council member Thomas Schmidt to consider the resolution for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Randy Buchta and seconded by Council member David Prechtel to have the resolution read by title only. Motion carried 7-0. The resolution was so read. Thereafter, a motion was made by Council member John Schroeder and seconded by Council member Thomas Schmidt to pass and adopt Resolution No. 2010-6. Motion carried 7-0.

Under discussion City Attorney Sandra Hemmerlein said this recommendation comes from the Utility Service Board and authorizes the Mayor to sign the grant application.

**ORDINANCE NO. 2010-21 AN ORDINANCE APROPRIATING MONEY FOR THE CITY OF JASPER, INDIANA, FOR THE YEAR 2011**

This ordinance contains the 2011 budget appropriations.

A motion was made by Council member Ambrose 'Butch' Schitter and seconded by Council member Randy Buchta to read the ordinance by title only on the second reading. Motion carried 7-0. The ordinance was so read. Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member David Prechtel to approve the ordinance on the second reading. Motion carried 7-0.

Under discussion, Financial Coordinator Sharon Sander said the ordinance was approved on the first reading on September 22, 2010. No additional information was received from the State or County since the September meeting.

Thereafter, a motion was made by Council member David Prechtel and seconded by Council member John Schroeder to have the ordinance read on the third and final reading by title only. Motion carried 7-0. The ordinance was so read. Thereafter, a motion was made by Council member Ambrose 'Butch' Schitter and seconded by Council member Randy Buchta to approve Ordinance No. 2010-21 on the third and final reading. Motion carried 7-0.

**ORDINANCE NO. 2010-22 AN ORDINANCE LEVYING TAXES AND FIXING THE RATE OF TAXATION FOR THE CITY OF JASPER, INDIANA, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2011.**

This ordinance sets the tax rate for the 2011 advertised budget.

A motion was made by Council member Randy Buchta and seconded by Council member Ambrose 'Butch' Schitter to read the ordinance by title only on the second reading. Motion carried 7-0. The ordinance was so read. Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member David Prechtel to approve the ordinance on second reading. Motion carried 7-0.

Financial Coordinator Sharon Sander stated that the maximum tax rate for 2011 is .7942 per \$100 of assessed value. First reading of this ordinance was held on September 22, 2010.

Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member Ray Howard to have the ordinance read on the third and final reading by title only. Motion carried 7-0. The ordinance was so read. Thereafter, a motion was made by Council member Raymond Howard and seconded by Council member John Schroeder to approve Ordinance No. 2010-22 on the third and final reading. Motion carried 7-0.

**ORDINANCE NO. 2010-25 AN ORDINANCE AMENDING ORDINANCE NO. 2008-10 ENTITLED AN ORDINANCE FIXING A SCHEDULE OF REVISED RATES AND CHARGES COLLECTED BY THE CITY OF JASPER, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID CITY, AND OTHER MATTERS CONNECTED THEREWITH**

This ordinance adjusts the debt service fee associated with the 2001 Sewer Extension Project.

A motion was made by Council member Ambrose 'Butch' Schitter and seconded by Council member Kevin Manley to read the ordinance by title only on the second reading. Motion carried 7-0. The ordinance was so read. Thereafter, a motion was made by Council member Randy Buchta and seconded by Council member Thomas Schmidt to approve the ordinance on the second reading. Motion carried 7-0.

City Attorney Sandra Hemmerlein said this amendment will reduce the 2001 sewer extension debt service fee 1.7% effective on the next bill. First reading of this ordinance was held on September 22, 2010.

Thereafter, a motion was made by Council member Randy Buchta and seconded by Council member Kevin Manley to have the ordinance read on the third and final reading by title only. Motion carried 7-0. The ordinance was so read. Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member David Prechtel to approve Ordinance No. 2010-25 on the third and final reading. Motion carried 7-0.

**ORDINANCE NO. 2010-26 AN ORDINANCE AMENDING SECTION 6(1) OF ORDINANCE NO. 546, ENTITLED AN ORDINANCE PROVIDING FOR A UNIFORM CODE FOR TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF JASPER, INDIANA---STOP INTERSECTIONS DESIGNATED**

This Ordinance adds two-way stop intersections at Main Street at the 2<sup>nd</sup> Street Railroad Crossing and at Jackson Street at the 2<sup>nd</sup> Street Railroad Crossing.

A motion was made by Council member David Prechtel and seconded by Council member Thomas Schmidt to consider the ordinance for one reading only. Motion

carried 7-0. Thereafter, a motion was made by Council member Ambrose 'Butch' Schitter and seconded by Council member Randy Buchta to have the ordinance read by title only. Motion carried 7-0. The ordinance was so read. Thereafter, a motion was made by Council member Randy Buchta and seconded by Council member Thomas Schmidt to pass and adopt Ordinance No. 2010-26. Motion carried 7-0.

Under discussion, City Attorney Sandra Hemmerlein said this amendment is a recommendation from the Board of Public Works and Safety and a 1998 order from the Indiana Department of Transportation Office of the Intermodal Transportation Railroad Section.

**ORDINANCE NO. 2010-27 AN ORDINANCE AMENDING ORDINANCE NO. 2008-10 ENTITLED AN ORDINANCE FIXING A SCHEDULE OF REVISED RATES AND CHARGES COLLECTED BY THE CITY OF JASPER, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID CITY, AND OTHER MATTERS CONNECTED THEREWITH (Summer Sewer Discount)**

This ordinance updates the summer sewer discount section of the sewage works rates and charges ordinance.

A motion was made by Council member Thomas Schmidt and seconded by Council member Ambrose 'Butch' Schitter to read the ordinance by title only on first reading. Motion carried 7-0. Thereafter, a motion was made by Council member David Prechtel and seconded by Council member Randy Buchta to approve the ordinance on first reading. Motion carried 7-0.

Under discussion, City Attorney Sandra Hemmerlein said this amendment is a recommendation from the Utility Service Board. She explained the two proposed calculation samples that were attached to the copies of the ordinance that were given to the council members.

**November 2011 council meeting.** Mayor Schmitt said the City is currently drafting the 2011 City calendar. The November 2011 council meeting falls on November 23<sup>rd</sup>, Thanksgiving Eve. Schmitt suggested scheduling the meeting for November 22, 2011.

A **motion** was made by Council member Ambrose 'Butch' Schitter and seconded by Council member Thomas Schmidt to set the November 2011 council meeting for Tuesday, November 22, 2011. Motion carried 7-0.

**K2.** Mayor Schmitt said there was an article in the newspaper about Dubois County passing an ordinance that bans the sale or use of a substance called K2. K2, a blend of dried herbs sprayed with chemicals, is marketed as an herbal incense and is sold over the counter at convenience stores. Since the County's ordinance does not encompass Jasper, the City may want to consider this issue and be in step with the rest of the County. If the substance is used it can cause medical issues. This matter is also a concern of the Indiana Medical Association.

Council member Thomas Schmidt suggested discussing this topic at a future meeting or wait and see what action is taken by the State.

**ADJOURNMENT.** There being no further business to come before the board, a motion was made by Council member Thomas Schmidt and seconded by Council member David Prechtel to adjourn the meeting. The motion carried 7-0 and the meeting adjourned at 8:17 p.m.

The minutes were hereby approved \_\_\_\_ with  X  without corrections or clarification this 17<sup>th</sup> day of November, 2010.

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**Mayor William J. Schmitt**  
**Presiding Officer**

**Attest:**

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**Juanita S. Boehm, Clerk-Treasurer**

Margaret A. Kress, Recording Secretary